

**ASSEMBLY BILL**

**No. 1029**

**Introduced by Assembly Member Frusetta**

February 27, 1997

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An act to amend Section 400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1029, as introduced, Frusetta. Vehicles: motorcycles: exemption.

Existing law defines a motorcycle, for purposes of the Vehicle Code, as any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.

Existing law requires a driver and any passenger to wear a safety helmet that meets specified standards when riding on, among other things, a motorcycle.

This bill would exempt from the definition of motorcycle specified above a fully enclosed 3-wheeled motor vehicle that is commonly known as a "Sparrow." The bill would thereby exempt the specified vehicle from the safety helmet requirement specified above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 400 of the Vehicle Code is  
2 amended to read:  
3 400. (a) A “motorcycle” is any motor vehicle having  
4 a seat or saddle for the use of the rider, designed to travel  
5 on not more than three wheels in contact with the  
6 ground, and weighing less than 1,500 pounds.  
7 (b) A motor vehicle that has four wheels in contact  
8 with the ground, two of which are a functional part of a  
9 sidecar, is a motorcycle if the vehicle otherwise comes  
10 within the definition of subdivision (a).  
11 (c) A motor vehicle that is electrically powered, has a  
12 maximum speed of 45 miles per hour, and weighs less than  
13 2,500 pounds, is a motorcycle if the vehicle otherwise  
14 comes within the definition of subdivision (a).  
15 (d) A farm tractor is not a motorcycle.  
16 (e) A three-wheeled motor vehicle that otherwise  
17 meets the requirements of subdivision (a), has a partially  
18 or completely enclosed seating area for the driver and  
19 passenger, is used by local public agencies for the  
20 enforcement of parking control provisions, and is  
21 operated at slow speeds on public streets, is not a  
22 motorcycle. However, a motor vehicle described in this  
23 subdivision shall comply with the applicable sections of  
24 this code imposing equipment installation requirements  
25 on motorcycles.  
26 (f) *A fully enclosed three-wheeled motor vehicle that*  
27 *is commonly known as a “Sparrow” is not a motorcycle.*

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